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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,214	10/06/2005	Rainer Glauning	3443	6728
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743				
EXAMINER				
NASH, BRIAND				
ART UNIT		PAPER NUMBER		
3721				
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10/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,214

Applicant(s)

GLAUNING ET AL.

Examiner

Brian Nash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10, 12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10, 12 and 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received 6/23/2008. The pending claims are now 4-10, 12 and 14-25.
2. The Examiner notes that the office action below may reference support found in the cited prior art by indicating element numbers, figures or by pointing out a specific paragraph (PAR) number in which support can be found. The PAR number referenced corresponds to paragraph number beginning in the "Detailed Description" of the disclosure unless otherwise noted.
3. Applicant's amendment has remedied all matters pertaining to indefiniteness in the previous office action and the rejections made under the second paragraph of 35 U.S.C. 112 are hereby withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4-5, 8-9 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,671,815 to Kabatnik et al.

With respect to claims 17 and 18, a power tool (10) having a housing (12) in which a guide sleeve (51, 57) is formed within the tool housing for interchangeably receiving a power supply module (11), the sleeve defining an opening (undesignated - opening defined between insertion inclines 63 in Fig. 4) and having an electrical interface (via 52) with the power supply module; the guide sleeves comprise a form-locking rib element (end of 57a,b) that produce a form-locking coupling with the power supply module disposed in an end region of the guide sleeve (Fig. 3 shows the guide sleeves 57a,b in an end region of the base 51 of coupling plug 50) and facing away from corresponding opening (59) of the

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power supply (Fig. 2), i.e. the guide sleeve and power supply opening face each other in a common direction; the form-locking sleeve projections (ribs 57a,b) protrude from the inner walls (63) of the guide sleeve and extend from the ends (tips of 57a,b) facing away from sleeve opening over only a limited portion of the guide sleeve that is substantially less than half of a length of the guide sleeve (clearly shown in Fig. 4), i.e. the projecting tabular ends of (57a,b) extend in a lateral direction away from the opening (59) of the power supply over only a short distance compared to the total dimension of the guide sleeve.

With respect to claim 4, the rib (57a,b) is embodied in one piece with the guide sleeve.

With respect to claim 5, the end face of the rib (57a,b) has rounded edges and corners (Fig. 4).

With respect to claims 8 and 19, the ribs (57a,b) are spaced apart from each other and are located mirror-symmetrically to one another.

With respect to claims 9 and 20, the guide sleeve (57) has a box-like profile and a convex profile wall with the ribs (57a,b) located on the wall (Fig. 4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,671,815 to Kabatnik et al. As discussed above Kabatnik et al disclose the invention substantially as claimed, but do not explicitly show the rib portion (57,63) to comprise a triangular cross section or trapezoidal outline; however, it would have been an obvious matter of design choice to use either shape or cross section since applicant has not disclosed that any specific cross section or shape solves any stated problem or is

for any particular purpose and it appears that the invention would perform equally well with either design choice.

8. Claims 10, 12, 14-16 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,671,815 to Kabatnik et al. As discussed above, Kabatnik et al disclose an electric power tool and mating power supply module substantially as claimed (Figs. 2-5). While the power supply module of Kabatnik et al may not be the exact module as claimed, it would have been obvious to one skilled in the art to configure/modify the external structure of a power supply module for mating with the guide sleeve of it's electric power tool in order to provide interlocking components for securing the power module to the power tool since such a modification is within the engineering purview of the skilled artisan, is well known in the art of cordless power tools and would provide a predictable result.

Response to Arguments

9. *In re* claims 10 and 17, applicant's arguments filed 6/23/2008 have been fully considered but they are not persuasive. With respect to claim 10 and as discussed above, Kabatnik et al show the invention substantially as claimed. However, Kabatnik et al do not explicitly show the recess to include a triangular cross section over a portion of the introduction dome (53). Kabatnik et al show a mating power supply module (11) for interchangeable attachment with an electric power tool, the module having an introduction dome (53) for guiding the tool and formed integrally on the module, an electrical interface (54) wherein at least one form-locking element (tool elements 63,57 form-lock with wall surface of web (56, figs. 4,5) attach to the tool in a locking manner and wherein the form-locking element is a recess (the Examiner notes that it would have to be in order for the projecting tips 57a,57b to engage) located in the side wall of the introduction dome (inside walls of 59). While Kabatnik et al do not disclose the recess to comprise a triangular cross section, the Examiner maintains that it would have been obvious to one having ordinary skill in the art to configure/modify the recess cross section in order to properly form-lock with the projecting ribs (57a,57b) of the tool in order to secure the power module to the power tool since such a modification is within the engineering purview of the skilled artisan, is well known in the art of cordless power tools and would provide a predictable result. Furthermore, Kabatnik et al (PARS 10-

11) support a form-locking connection between the power tool and the power module such that "no relative movement" between the two occurs and that alternate embodiments/structures are well within the scope of the invention.

With respect to claim 17, applicant contends, *inter alia*, that Kabatnik et al does not perform the same function as the claimed invention. Examiner acknowledges applicant's position; however, a reference is deemed to properly anticipate a claim when all the recited limitations are disclosed therein. In this instance and as discussed above, Kabatnik et al clearly show all the recited structural limitations including the form-locking sleeve projections (ribs 57a,b) that protrude from the inner walls (63) of the guide sleeve and extend from the ends (tips of 57a,b) facing away from sleeve opening over only a limited portion of the guide sleeve that is substantially less than half of a length of the guide sleeve (clearly shown in Fig. 4), i.e. the projecting tabular ends of (57a,b) extend in a lateral direction away from the opening (59) of the power supply over only a short distance compared to the total dimension of the guide sleeve. While it is noted that the device of Kabatnik et al may not perform the same function or in the same manner as applicant's invention, it is deemed that the claims are not restrictive to such device. For the reasons above, the grounds for rejection are deemed proper.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Friday from 8 a.m. to 4 p.m.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467. The official fax number for this Group is: 571-273-8300

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see www.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian D. Nash/
Primary Examiner, Art Unit 3721

10/15/2008